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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,339	01/19/2006	Eiji Fujisawa	5725.P0019US	2165

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FLYNN THIEL BOUTELL & TANIS, P.C.  
2026 RAMBLING ROAD  
KALAMAZOO, MI 49008-1631

EXAMINER

WONG, TINA MEI SENG

ART UNIT PAPER NUMBER

2874

DATE MAILED: 12/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/565,339

Applicant(s)

FUJISAWA ET AL.

Examiner

Tina M. Wong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 1/19/06.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Priority*

Receipt is acknowledged of papers submitted by the International Bureau under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.**

**Patent 6,813,412 to Lin in view of U.S. Patent 6,169,826 to Nishiyama et al.**

In regards to claim 1, Lin discloses an optical switching device which has a movable member (101) mounted with a light-reflecting member (113) for reflecting light that is incident from a Z-direction, and emitting the light from a prescribed position offset in an X-direction; a fixed-side member (102) for movably supporting the movable member in the X- and Y-direction; and drive means (106) for driving the movable member in the X- and Y-directions, the X-, Y-, and Z-directions being perpendicular to each other, characterized in that it comprises a clamp mechanism (106/107) provided with a pushing member (106 w/ magnetic material) for switching between a clamped state in which the movable member is pressed and fixed to the fixed-side member, and an unclamped state in which the movable member is released.

But Lin fails to specifically disclose a magnetic drive circuit for driving the pushing member, the circuit having a clamping coil disposed on the first member and a clamping magnet

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disposed on a second member for generating a magnetic flux that interlinks with the clamping coil. However, Lin does disclose an actuator (156) that moves the movable member via magnetic principles including coils. Furthermore, since Lin is silent on the details of the magnetic drive circuit and components, Nishiyama et al also discloses an optical switch using magnetic principles to preform switching functions. Nishiyama et al also discloses a clamping drive circuit for driving a pushing member having a clamping coil and a clamping magnet arranged so that the magnet generates a magnetic flux that interlinks with the clamping coil. Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to have a magnetic drive circuit for driving the pushing member, the circuit having a clamping coil disposed on the first member and a clamping magnet disposed on a second member for generating a magnetic flux that interlinks with the clamping coil as suggested by Nishiyama et al to operate the magnetic components disclosed by Lin.

In regards to claim 2, Nishiyama et al discloses a clamping coil wound with an opening facing the second member, the clamp magnet provided with a pair of magnets that are disposed with different poles facing each other and are made to hold the clamping coil. (Figure 3)

In regards to claim 3, Nishiyama et al discloses the clamp mechanism to have a back yoke positioned behind the pair of magnets.

In regards to claim 4, Lin discloses the clamp mechanism to have an urging member to urge the pushing member into the clamped or unclamped state and Nishiyama et al discloses the drive circuit to be able to move the pushing member against the urging force of the urging member.

***Prior Art***

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The documents submitted by applicant in the Information Disclosure Statement have been considered and made of record. Note attached copy of form PTO-1449.

### ***Inventorship***

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tina M. Wong whose telephone number is (571) 272-2352. The examiner can normally be reached on Monday-Friday 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on (571) 272-2344. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Tina M Wong  
Patent Examiner  
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